

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NOS. 1995-1208-C and 1996-314-C - ORDER NO. 2006-309

May 26, 2006

IN RE: Docket No. 1995-1208-C – Application of	)	ORDER ON MOTION FOR
ITC^DeltaCom Communications, Inc. d/b/a	)	CLARIFICATION AND
ITC^DeltaCom for a Certificate of Public	)	APPROVING CHANGE
Convenience and Necessity to Provide	)	OF COMPANY NAME
Intrastate Resale and Operator Assisted	)	
Telecommunications Services.	)	
	)	
and	)	
	)	
Docket No. 1996-314-C – Application of	)	
ITC^DeltaCom Communications, Inc. d/b/a	)	
ITC^DeltaCom for a Certificate of Public	)	
Convenience and Necessity to Provide Local	)	
Exchange Telecommunications Services and	)	
Alternative Regulation.	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Motion of ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom (“ITC^DeltaCom” or the “Company”) for Clarification of the Commission’s Directive issued May 9, 2006, on the Application filed by ITC^DeltaCom for approval of a change in the Company’s name. We clarify the Commission’s Directive and approve the Application for a name change with the following.

On March 24, 2006, ITC^DeltaCom filed an Application advising the Commission of a corporate name change of ITC^DeltaCom to DeltaCom, Inc. At its regularly scheduled agenda meeting on May 9, 2006, the Commission approved ITC^DeltaCom’s Application for a Company name change and issued a Directive of its

decision. After receipt of the Directive by counsel for ITC^DeltaCom, ITC^DeltaCom's counsel filed a request with the Commission seeking clarification of the Directive. ITC^DeltaCom's counsel advises that the Directive of the Commission's decision authorizes the name to be changed to ITC^DeltaCom, Inc. instead of DeltaCom, Inc. as was requested in ITC^DeltaCom's Application.

The Commission has reviewed the Directive and finds that the Directive of May 9, 2006, is incorrect. The Directive was in error and should read, "Grant the request of ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom to change its name to DeltaCom, Inc."

As to ITC^DeltaCom's Application for approval of the Company's name, we approved the Application. A review of the Commission's records reveals that ITC^DeltaCom was granted authority to provide resold intrastate interexchange telecommunications services in the State of South Carolina in the Company's original name, DeltaCom, Inc. d/b/a DeltaCom Long Distance Services, by Commission Order No. 96-127, issued February 22, 1996, in Docket No. 1995-1208-C. By Commission Order No. 97-64, dated January 23, 1997, in Docket No. 1996-314-C, ITC^DeltaCom was also granted authority to provide local exchange telecommunications services in South Carolina in the Company's name, DeltaCom, Inc. On March 2, 1998, by Order No. 98-160, issued in Docket Nos. 1995-1208-C and 1996-314-C, the Commission approved a change of the Company's name from DeltaCom, Inc. d/b/a DeltaCom Long Distance Services and DeltaCom, Inc. to its present name, ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom.

Upon the Company's filing, the Commission's Docketing Department instructed ITC^DeltaCom to publish a Notice of Filing in newspapers of general circulation in the areas affected by the Company's request. ITC^DeltaCom complied with this request and provided the Commission with proof of publication of the Notice of Filing. The purpose of the Notice was to provide notification of the present proceeding to any interested parties and to advise interested parties of the manner and time in which to file pleadings to participate in this docket. No protests or Petitions to Intervene were filed in this matter.

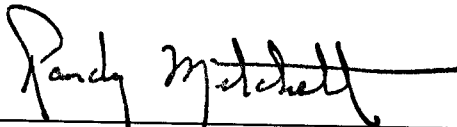
According to ITC^DeltaCom, the change in the Company's name involved no corporate restructuring, no change of ownership, and no change in terms and conditions of ITC^DeltaCom's services. ITC^DeltaCom asserts that the purpose of the Company's name change is to enable ITC^DeltaCom to simplify and to align its legal corporate name with how ITC^DeltaCom is today identified to, and recognized by, its customers and the general public. ITC^DeltaCom attaches to its Application a copy of the corporate name change, as evidenced by the Alabama Secretary of State's Certificate of Authority, ITC^DeltaCom's state of incorporation. Additionally, ITC^DeltaCom provides with its Application a copy of the Company's registration with the Office of the Secretary of State of South Carolina.

As to the public interest, ITC^DeltaCom asserts that the Company's name change will have no impact on customers or services and that ITC^DeltaCom will notify the customers of the Company's name change. ITC^DeltaCom advises that the Company will file revised tariff sheets as appropriate in connection with the name change.


We have reviewed the record of this case and have concluded that the Application should be approved as filed. No new authority is being requested, and it appears that the transfer will be transparent to the customers. The customers will only see a name change, not a change in rates, terms, conditions, or service offerings. The requested transfer is a reasonable one. Accordingly, the Certificates of Public Convenience and Necessity granted to ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom in Docket No. 1995-1208-C and Docket No. 1996-314-C should be amended to reflect the Company's new name of DeltaCom, Inc.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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Randy Mitchell, Chairman

ATTEST:

  
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G. O'Neal Hamilton, Vice Chairman

(SEAL)